THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13876 OF 2006

ORAL ORDER:

Petitioners claim to be the residents of Mulikipalli village, Razole mandal, East Godavari District. It is stated that the 1st petitioner is residing in the house bearing No.1-64, and the 2nd petitioner is residing in the house bearing No.1-62. While so, the 4th respondent herein, who was the successful bidder in the auction conducted under the provisions of the

Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005 (for short "the Rules"), was granted a licence to locate his shop at the premises bearing Door No.1-63, which is situated in between the houses of the petitioners herein. The petitioners allege that it is a residential area and that the 4th respondent's shop has been located in a residential portion, resulting in inconvenience to the residents, particularly the woman folk and children of the locality. They made a representation, dated 20.6.2006 to the respondents 1 to 3, requesting not to allow the 4th respondent to locate his shop in the premises bearing Door No.1-63. However, without considering the same, the 4th respondent was granted licence as sought by him to locate the shop in the premises bearing Door No.1-63. It is alleged that though there is a prohibition to effect loose sales in the shop, the 4th respondent has been carrying on his business in contravention of the statutory rules, and that the same is causing nuisance in the locality. Hence, this writ petition seeking a declaration that the action of the respondent 1 to 3 in allowing the 4th respondent to locate his shop at the premises bearing Door No.1-63 in Mulikipalli village, Razone Mandal, which is a residential area without taking into consideration the objections raised by them, is arbitrary and illegal.

I have heard the learned counsel for the petitioners, the learned

Government Pleader appearing for respondents 1 to 3, as well as the learned counsel appearing for the 4th respondent.

The learned Government Pleader contended that under Rule 7 of the Rules, there is no prohibition as such to locate the licensed premises in a residential area.

Even assuming that there is no such prohibition under the statutory rules, in case the licensee is indulging in illegal activities contrary to the statutory provisions resulting in inconvenience to the residents of the locality, it is undoubtedly a matter to be taken into consideration by the respondents 1 to 3.

Accordingly, the writ petition is disposed of granting liberty to the writ petitioners to make a fresh representation about the alleged illegal activities of the 4th respondent and explaining the inconvenience being caused to the residents of the locality. If any such representation is made, the respondents 1 to 3 are directed to consider the same and pass appropriate orders in accordance with law, after affording due opportunity to the 4th respondent to put forth his version. No costs.

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(G. ROHINI, J.)

10th August, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13876 OF 2006

10th August, 2006.

Between:

Gidugu Maha Laxmi and another. .. Petitioners.

And

The District Collector, East Godavari District,
Kakinada and three others. .. Respondents.